THE HON'BLE SRI JUSTICE B.PRAKASH RAO

&

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.9401 OF 2003

Between:

N.K.P.Raju and another

…….Petitioners

Vs.

1.The Special Court under the A.P.Land Grabbing (Prohibition) Act, B.R.K.R.Bhavan, Tank Bund Road, Hyderabad and another

……..Respondents.

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

&

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WRIT PETITION NO.9401 OF 2003

O R D E R: (PER BPR J)

This writ petition is filed by the petitioners who were declared as land grabbers, questioning the judgment in L.G.C.No.9 of 2000, dated 09.04.2003, on the file of the first respondent-Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act, declaring the second respondent as the absolute owner of the application schedule property and directing the petitioners herein to vacate the application schedule property by removing the structures thereon and deliver vacant possession to the second respondent as illegal and arbitrary.

The facts of the case in brief are that in an application filed by the second respondent herein in L.G.C.No.9 of 2000 claiming that he is the absolute owner of the schedule property in T.S.No.1/1/C, Block-H, Ward-9 of Shaikpet Village and as the same was illegally occupied by the petitioners herein, they may be declared as landgrabbers. After conducting an enquiry, the court below allowed the application and declared the petitioners as land grabbers. Hence, the present writ petition is filed.

Heard both the learned counsel.

The learned counsel for the petitioners submitted that in respect of the very same proceedings in L.G.C.No.72 of 1991, the Court below by its order, dated 29.09.1995 allowed the application. Aggrieved by the same, the respondents therein filed W.P.No.27888 of 1995 before this Court and this Court allowed the writ petition by its order, dated 09.02.2001.

During the course of arguments, the learned counsel on either side brought to my notice that as against the said judgment of this Court in W.P.NO.27888 of 1995, dated 09.02.2001, the first respondent therein carried matter before the Supreme Court in SLP.No.4258 of 2001.

Having regard to the same, we are not inclined to once again to go into the merits of the case. However, taking into consideration the orders passed by this court in W.P.NO.27888 of 1995, dated 09.02.2001, this writ petition has to be allowed.

The writ petition is accordingly allowed. No order as to costs.

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B.PRAKASH RAO J.,

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M.VENKATESWARA REDDY J.,

Dt.30.04.2007
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